

## REMARKS

Reconsideration of the above identified application is respectfully requested. Claims 1-77 are pending in this application by way of this Response and Amendment. Claims 1-5, 7, 9-14, 16-29, 31-42, 44-52, 54, 56-58, and 69-73<sup>1</sup> were rejected in an Office Action mailed on September 23, 2003 (hereinafter "Office Action"). Claims 6, 8, 15, 30, 43, 53, and 55 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 59-68 were indicated as allowable. Claims 74-78 are added by way of this Response and Amendment.

### I. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-5, 7, 9-14, 16-29, 31-42, 44-52, 54, 56-58, and 69-73, were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,483,769, issued to Zweili (hereinafter "Zweili"), in view of U.S. Patent No. 6,032,416, issued to Springer et al. (hereinafter "Springer"). Although applicants agree with the Examiner that Zweili fails to disclose a latch assembly and a sensor assembly, applicants respectfully disagree with the contention that the above-listed claims are unpatentable over Zweili in view of Springer for at least the following reasons:

Claim 1 recites "a plug assembly operable to actuate the sliding door between a plugged position and an unplugged position by *rotating the sliding door about a pivot axis.*" [Emphasis added.] The Office Action sets forth the position that "link arms (88 and 90) *rotat[e]* the door(s)" from a plugged to an unplugged position. [Emphasis added.] The Office Action further

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<sup>1</sup> The disposition of Claims 69-73 was not specifically addressed in the Office Action. The Examiner stated in a telephone conference on November 25, 2003 with applicants' patent attorney Brian Krell that claims 69-73 were rejected under 35 U.S.C. § 103(a) and that a new Office Action specifically addressing the claims would be issued.

alleges that "Zweili clearly discloses the exact movement of the applicant's invention in column 1, lines 62-67 and column 2, lines 1-45." Applicants respectfully disagree.

Applicants' careful review of the specification of Zweili, with special attention given to Col. 1, line 62, to Col. 2, line 45, as indicated by the Office Action as disclosing the rotation of the doors, has not revealed any indication that the doors 5 or 7 are rotated in any manner as asserted by the Office Action. Applicants' careful review has only found disclosure teaching that the doors are *linearly* displaced perpendicularly outward of the door opening to unplug the doors without any rotation of the doors occurring.

Moreover, although applicants concur with the Examiner that the link arms 88 and 90 of the plug assembly of Zweili do rotate, the rotation of the link arms 88 and 90 results in the door 7 being linearly displaced, *not rotated*, in and out of the opening. More specifically, referring to FIGURE 5, rotation of the link arms 88 and 90 results in the rotation of a shaft 84. Rotation of the shaft 84 results in a lower door support 80 rotating, thereby moving a door support pin 82 in an arc. However, the door support pin 82 slides within a track 81 in the door 7, thereby causing *lateral* movement of the door 7 outward from the plugged position. The door 7 simply does not rotate. Albeit various components of the door assembly do rotate, such as the link arms 88 and 90, shaft 84, and lower door support 80, the door 7 itself does not rotate.

Further, the linear motion of the doors of Zweili during plugging operations is evidenced by the linear arrows depicted on doors 5 and 7 of FIGURES 2 and 6. Further, referring to FIGURE 9, the doors 5 and 7 are shown as they transition from an unplugged position to a plugged position. Of importance, in FIGURE 9, the doors are depicted as being *linearly* moved from the unplugged position shown in phantom lines to the plugged position shown in solid lines. Arrows disposed at the opposite ends of the doors 5 and 7 in FIGURE 9 provide further evidence that doors are linearly displaced, and not rotationally as alleged by the Office Action, as

the arrows are linear and perpendicularly oriented to the opening to show the linear movement of the door and NOT curved, as would be used if the doors rotated into a plugged position as alleged in the Office Action.

As even further evidence that the doors 5 and 7 of Zweili do not rotate, applicants direct the Examiner's attention to FIGURE 4. In FIGURE 4, a pair of door carrying bracket assemblies 63 and 65 are depicted, wherein the door carrying bracket assemblies 63 and 65 are rigidly coupled to the doors 5 and 7. If the doors 5 and 7 were to rotate, than the attached door carrying bracket assemblies 63 and 65 would have to rotate. However, there are no provisions to permit the door carrying bracket assemblies 63 and 65 to rotate. In fact, if the door carrying bracket assemblies 63 and 65 were forced to rotate, severe damage would result to the attached gear racks 59 and 61, door support 70, and/or roller guide 67, since these devices are designed to hold the door carrying bracket assemblies 63 and 65, and thus the attached doors 5 and 7, in a non-rotational manner and parallel with the longitudinal axis of the vehicle during unplugging and opening of the doors 5 and 7. Therefore, since the door carrying bracket assemblies 63 and 65 are restricted from rotating, applicants assert that the doors 5 and 7 are also restricted from rotation. Therefore, the doors 5 and 7 of Zweili simply cannot be rotated as alleged by the Office Action.

In summary, applicants assert that the power door operating system taught by Zweili not only fails to teach rotating the doors to unplug the doors, but that the door operating system actually includes specific structures which prevent any rotation of the doors during unplugging.

With regard to the Springer reference, applicants assert that Springer also fails to at least teach a "plug assembly operable to actuate the sliding door between a plugged position and an unplugged position by rotating the sliding door about a pivot axis." Springer, does not teach a plug assembly, since the doors 20 and 110 of Springer are simply *linearly* actuated in front of an

opening 12 in the vehicle, and are not plugged within the opening. Further, inasmuch as Springer only teaches the linear, non-rotational actuation of the doors 20 and 110 between open and closed positions, Springer fails at least to teach or suggest "*rotating* the sliding door about a pivot axis." [Emphasis added.]

In summary, as stated above, neither Zweili or Springer teach or suggest "a plug assembly operable to actuate the sliding door between a plugged position and an unplugged position by rotating the sliding door about a pivot axis." Therefore, Zweili and/or Springer do not teach individually or in combination, each and every element of Claim 1. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Inasmuch as all elements of Claim 1 are not taught or suggested by Zweili or Springer, individually or in combination, applicants submit that the rejection of Claim 1 under 35 U.S.C. § 103(a) should be withdrawn.

Inasmuch as independent Claims 2, 24, 37, and 47 also contain the identical limitations argued above with respect to Claim 1, applicants submit that the rejection to these claims should be withdrawn for at least the same reasons argued for Claim 1. Specifically, Claims 2, 24, and 37 expressly recite "rotating the door about a pivot axis." Claim 47 positively recites "means for rotating the door about a pivot axis." As set forth above, such a limitation is neither taught nor suggested by the cited references of record, either individually or in hypothetical combination. Accordingly, applicant respectfully submits that each of the foregoing claims are not anticipated nor rendered obvious by the cited references. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, as Claims 3-5, 9-14, 16-23, 25-29, 31-36, 38-42, 44-

46, 48-52, 54, and 56-58 are dependent upon one of allowable independent Claims 2, 24, 37, or 47, the rejections to these claims under 35 U.S.C. § 103(a) should also be withdrawn.

II. New Claims

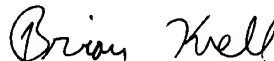
New Claims 74-78 have been added to further point out and distinctly claim the novel aspects of the claimed embodiment of the present invention. Applicants submit that the prior art, alone or in combination, does not teach or suggest applicants' claimed embodiments of the present invention as recited in Claims 74-78 for reasons in addition to those discussed above with regard to the independent claims they depend upon.

CONCLUSION

In view of the foregoing remarks and amendments, applicants respectfully submit that the present application is in condition for allowance. The Examiner is invited to telephone the undersigned with questions regarding this matter.

Respectfully submitted,

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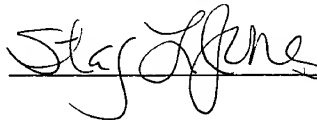


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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

March 22, 2004



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